

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

AUG 14 2023

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

HELEN DOE, parent and next friend of Jane  
Doe; et al.,

Plaintiffs-Appellees,

v.

THOMAS C. HORNE, in his official  
capacity as State Superintendent of Public  
Instruction; et al.,

Defendants,

and

WARREN PETERSEN, Senator, President  
of the Arizona State Senate; BEN TOMA,  
Representative, Speaker of the Arizona  
House of Representatives,

Intervenor-Defendants-  
Appellants.

No. 23-16026

D.C. No. 4:23-cv-00185-JGZ  
District of Arizona,  
Tucson

ORDER

HELEN DOE, parent and next friend of Jane  
Doe; et al.,

Plaintiffs-Appellees,

v.

THOMAS C. HORNE, in his official  
capacity as State Superintendent of Public  
Instruction,

No. 23-16030

D.C. No. 4:23-cv-00185-JGZ

Defendant-Appellant,

and

LAURA TOENJES, in her official capacity  
as Superintendent of the Kyrene School  
District; et al.,

Defendants,

WARREN PETERSEN, Senator, President  
of the Arizona State Senate; BEN TOMA,  
Representative, Speaker of the Arizona  
House of Representatives,

Intervenor-Defendants.

Before: SCHROEDER, BERZON, and OWENS, Circuit Judges.

The motions to stay the district court's July 20, 2023 order granting the motion for preliminary injunction (Docket Entry No. 7 in No. 23-16026 and Docket Entry No. 11 in No. 23-16030) are denied. *See Nken v. Holder*, 556 U.S. 418, 434 (2009) (defining standard for stay pending appeal).

The motion to consolidate appeal No. 23-16026 and No. 23-16030 (Docket Entry No. 9 in Appeal No. 23-16030) is granted.

The consolidated opening brief is due on September 8, 2023. The consolidated answering brief is due on October 6, 2023. The optional consolidated reply brief is due within 21 days after service of the answering brief.